

HOUSE BILL NO. 50

INTRODUCED BY ROBERTS

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO AMEND THE STATE LIST OF ENDANGERED SPECIES TO REMOVE ANY SPECIES OR SUBSPECIES ON THE LIST, WITHOUT LEGISLATIVE APPROVAL, IF THAT SPECIES OR SUBSPECIES IS REMOVED FROM THE FEDERAL LIST OF NATIVE ENDANGERED SPECIES; AMENDING SECTION 87-5-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-5-107, MCA, is amended to read:

"87-5-107. List of endangered species. (1) (a) On the basis of investigations on nongame wildlife provided for in 87-5-104 and other available scientific and commercial data and after consultation with other state wildlife agencies, appropriate federal agencies, and other interested persons and organizations ~~but not later than 1 year after July 1, 1973,~~ the department shall recommend to the legislature a list of those species and subspecies of wildlife indigenous to the state ~~which~~ that are determined to be endangered within this state, giving their common and scientific names by species and subspecies.

(b) The department may propose legislation to specifically include any species or subspecies of fish and wildlife appearing on the United States' list of endangered native fish and wildlife (part 17 of Title 50 of the Code of Federal Regulations, appendix D) as it appears on July 1, 1973, as well as any species or subspecies of fish and wildlife appearing on the United States' list of endangered foreign fish and wildlife (part 17 of Title 50 of the Code of Federal Regulations, appendix A), as ~~such~~ that list may be modified ~~hereafter~~.

(2) (a) The department shall conduct a review of the state list of endangered species ~~within not more than 2 years from its effective date and every 2 years thereafter.~~ The department may propose specific legislation to amend the list by ~~such~~ additions or deletions as that are ~~deemed~~ considered appropriate and at ~~such times as that are deemed~~ considered appropriate.

(b) Whenever a species or subspecies is removed from the United States' list of endangered native fish and wildlife (part 17 of Title 50 of the Code of Federal Regulations, appendix D) and that species or subspecies

1 is also on the state list of endangered species in ARM 12.5.201, the department shall amend the state list to
2 remove that species or subspecies. The removal of a species or subspecies from the state list pursuant to this
3 subsection (2)(b) does not require approval by the legislature.

4 (3) Except as otherwise provided in this part, it ~~shall be~~ is unlawful for any person to take, possess,
5 transport, export, sell, or offer for sale and for any common or contract carrier knowingly to transport or receive
6 for shipment any species or subspecies of wildlife appearing on any of the following lists:

7 (a) the list of wildlife indigenous to the state determined to be endangered within the state pursuant to
8 subsection (1);

9 (b) any species or subspecies of fish and wildlife included by the department and appearing on the
10 United States' list of endangered native fish and wildlife (part 17 of Title 50, Code of Federal Regulations,
11 appendix D) as it appears on July 1, 1973; and the United States' list of endangered foreign fish and wildlife (part
12 17 of Title 50, Code of Federal Regulations, appendix A), as ~~such that~~ that list may be modified ~~hereafter~~.

13 (4) Any species or subspecies of fish and wildlife appearing on any of the ~~foregoing~~ enumerated lists
14 ~~which enters that is brought into~~ the state from another state or from a point outside the territorial limits of the
15 United States and ~~which that~~ is transported across the state destined for a point beyond the state may ~~be so~~
16 entered and be brought into the state and transported without restriction in accordance with the terms of any
17 federal permit or permit issued under the laws or regulations of another state.

18 (5) ~~In the event~~ If the United States' list of endangered native fish and wildlife is modified ~~subsequent~~
19 ~~to July 1, 1973, by additions or deletions, such the~~ modifications, whether or not involving species or subspecies
20 indigenous to the state, may be accepted as binding under subsections (3) and (4) if, after the type of scientific
21 determination described in subsection (1), the department proposes and the legislature accepts ~~such the~~
22 modification for the state.

23
24 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

25 - END -